

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN THE MATTER OF,**

Ty Odell Clevenger  
State Bar No. 216094

**Case No. C22-80167MISC JD**

## **RESPONSE TO SHOW-CAUSE ORDER**

NOW COMES Ty Clevenger, responding to the Court's show-cause order dated July 6, 2022 and moving the Court to set aside his suspension:

As of this date, Mr. Clevenger is no longer suspended from the California Bar.<sup>1</sup> This can be verified on the California Bar's website. Mr. Clevenger has attached the State Bar Court opinion recommending discipline (Exhibit 1) and the California Supreme Court order imposing discipline (Exhibit 2). Mr. Clevenger served the 6-month active suspension and is now on probation until October 13, 2023. At the time of his suspension, Mr. Clevenger had been an inactive member of the California Bar since February 1, 2008, and until now he has never represented a client in California other than himself. As the Court can tell from the State Bar Court opinion, the California discipline was entirely reciprocal. Mr. Clevenger remains voluntarily inactive in California – but active in Texas – as he had been before the date of his suspension.

Mr. Clevenger has attached a November 12, 2021 letter to the Texas Board of Disciplinary Appeals (Exhibit 3) and a November 12, 2021 letter to various federal courts (Exhibit 4).<sup>2</sup> As indicated in those letters, Mr. Clevenger has been prosecuted and/or disciplined

<sup>1</sup> As witnessed by his electronic signature below, Ty Clevenger declares under penalty of perjury under the laws of the United States that (1) his factual representations herein are true and correct and (2) the exhibits to this response are true and correct copies of the originals.

<sup>2</sup> Mr. Clevenger apologizes to the Court for failing to include it among the recipients of the November 12, 2021 letter. Mr. Clevenger has only appeared before the Court in two pro se

1 three times for the same events, all of which occurred in 2012 or earlier. Prior to this Court's  
2 July 6, 2022 order, no federal court had reciprocated the reprimand imposed by Texas or the  
3 suspension imposed by the U.S. District Court for the District of Columbia. In the Eastern  
4 District of Texas, for example, Mr. Clevenger was not reciprocally suspended even though that  
5 court was aware of the suspension (*see Exhibit 4*) and its local rules typically impose reciprocal  
6 discipline automatically. *See Local Rule AT-2(b), U.S. District Court for the Eastern District of*  
7 *Texas* (<https://www.txed.uscourts.gov/?q=attorney-rules>). In the Southern District of Texas, Mr.  
8 Clevenger was required to reapply for admission (because all attorneys must reapply every five  
9 years), and his admission was renewed on May 10, 2022 despite the fact that he was still  
10 suspended in California as of that date. *See Email Correspondence Between Ty Clevenger and*  
11 *Claire Cassady (Exhibit 5).*

13       Mr. Clevenger currently has cases pending before the U.S. Court of Appeals for the Fifth  
14 Circuit, the Middle District of Tennessee (pro hac vice), and the Eastern and Western Districts of  
15 Texas. He has practiced without incident in each of those cases, and he is not the subject of any  
16 discipline or disciplinary proceedings outside of California. A suspension from this Court would  
17 work a considerable hardship because Mr. Clevenger often appears pro hac vice in other courts,  
18 and the suspension would make it more difficult to obtain pro hac vice admission. Insofar as he  
19 is no longer suspended from the California Bar, and insofar as he is practicing without incident  
20 elsewhere, Mr. Clevenger respectfully submits that he should not be suspended from the bar of  
21 this Court. Accordingly, he moves the Court to set aside the interim suspension and he further  
22 moves the Court to refrain from entering a final suspension.

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28       matters (Case Nos. 3:17-cv-01724 and 3:17-cv-02798) and, frankly, he had forgotten that he  
          was a member of this Court's bar.

1 Respectfully submitted,

2 **/s/ Ty Clevenger**

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RESPONDENT